

Applicant: Falone et al.
Application No.: 10/659,560

REMARKS

Claims 3-8 are currently pending in this application. The only remaining rejections in this application are obviousness type double patenting and provisional obviousness type double patenting. In response, Applicants respectfully submit the two Terminal Disclaimers attached herewith.

Two earlier filed Terminal Disclaimers were rejected as not clearly establishing whether the Sting Free Company was the sole owner of the patents and/or applications mentioned therein.

The two enclosed Terminal Disclaimers clearly set forth that the Sting Free Company is the only and sole owner of the patents and/or applications identified therein.

Entry of the two Terminal Disclaimers will resolve all outstanding matters in this application and place the claims in condition for allowance.

COMMUNICATION WITH EXAMINER

During a May 19, 2004 telephone communication between Examiner Graham and Ruy Garcia-Zamor the status of claims 3-8 were discussed. Examiner Graham stated that claims 3-8 were not rejected over prior art because they would be allowable once the non-statutory double patenting rejections were overcome. Applicants thank Examiner Graham for the courtesies extended during the telephone communication.

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NON-STATUTORY DOUBLE PATENTING REJECTIONS

Claims 3-8 have been rejected based on obviousness-type double patenting based on a prior patent and have been provisionally rejected based on obviousness-type double patenting based on copending applications. Enclosed herewith are two separate terminal disclaimers. One terminal disclaimer is directed to the prior patent and the second terminal disclaimer is directed to the copending applications.

In view of the two terminal disclaimers submitted herewith, Applicants respectfully request that the Examiner reconsider and withdraw the provisional and non provisional non-obvious double patenting rejections of claims 3-8.

INVITATION

If the examiner believes that any additional matters need to be addressed to place this application in condition for allowance, the examiner is respectfully invited to contact the undersigned, by telephone, at the examiner's convenience.

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CONCLUSION

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 3-8, is in condition for allowance and a notice to that effect is respectfully solicited.

Respectfully submitted,

Falone et al.

By


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